

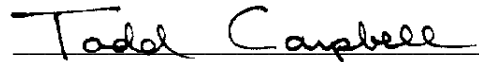
IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION

KENNETH BANKS)
)
v.) NO. 3:08-0734
) JUDGE CAMPBELL
HEALTHWAYS, INC., et al.)

ORDER

Pending before the Court is Defendants' Motion to Dismiss Plaintiff's Amended Class Action Complaint (Docket No. 22). For the reasons stated in the accompanying Memorandum, Defendants' Motion is GRANTED in part and DENIED in part. Plaintiff's claims for breach of the duty to disclose are dismissed with regard to any non-public information and information beyond the specific disclosure requirements of ERISA.

IT IS SO ORDERED.



TODD J. CAMPBELL
UNITED STATES DISTRICT JUDGE